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October 28, 2020

By ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Cardwell v. Davis Polk & Wardwell LLP, et al.
19-cv-10256-GHW (S.D.N.Y.)

Dear Judge Woods:

We write to clarify a scheduling issue raised by Your Honor's Order and Opinion of yesterday. (ECF 78.) Under that Order, plaintiff has 14 days to amend his complaint to seek to replead the dismissed claims, with certain exceptions. At the same time, under Federal Rule of Civil Procedure 12(a)(4)(A), defendants have 14 days to answer the current complaint. Thus, under the current schedule, defendants will be preparing their answer to the extant complaint at the same time as plaintiff may be preparing a further amended complaint, both due on the same day.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Hon. Gregory H. Woods

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Defendants believe it would be inefficient for defendants to prepare their answer to the current complaint if plaintiff plans to file a further amended complaint, which will then prompt a new 14-day period to answer or move with respect to the further amended complaint. Defendants therefore propose that their time to answer or move with respect to the complaint in this case be set at the earlier of 14 days after: (a) plaintiff files a further amended complaint, or (b) the time for plaintiff to file such a further amended complaint expires under Your Honor's Order (14 days from yesterday, or November 9, 2020).

We asked plaintiff to stipulate to this proposed scheduling refinement to avoid burdening the Court, but plaintiff declined and, as of this writing, we have not heard back from plaintiff in response to our follow up email. The email exchange is attached for the Court's reference.

Respectfully,

/s/ Bruce Birenboim

Bruce Birenboim

cc: All Counsel of Record (via ECF)